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| 09/712,580 | 11/13/2000 | Daniel M. Esquibel | 10007731-1 | 9716 |

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EXAMINER

YODER III, CHRISS S

| | |
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| ART UNIT | PAPER NUMBER |
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2612

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,580

Applicant(s)

ESQUIBEL ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4-7, 9-14, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Munson (US Patent # 5,648,814).
2. In regard to claim 1, note Munson discloses the use of a method of configuring settings in an imaging device that configures said settings in said imaging device with default values (column 1, lines 65-67; the "last used" values are considered the default), if at least one value for said settings is externally adjusted, configuring said settings in said imaging device with said at least one value (column 5, lines 1-6), receiving an indication that said settings are acceptable (column 5, lines 13-17), and determining whether to store said at least one value for said settings in said imaging device for use in calculating said default values for said settings (column 5, lines 13-17; in manual mode, the settings are always saved).
3. In regard to claim 2, note Munson discloses the storage of said at least one value for said settings in a memory in said imaging device (column 4, lines 26-37).
4. In regard to claim 4, note Munson discloses the retrieval of said default values for said settings from a memory in said imaging device (column 4, lines 26-37; and column 4, lines 45-51).

5. In regard to claim 5, note Munson discloses calculating said default values from at least one stored previous value for said settings (column 5, lines 13-17; the manual settings uses the stored manual settings as the default settings).

6. In regard to claim 6, note Munson discloses the retrieval of said at least one stored previous value for said settings from a memory in said imaging device (column 4, lines 26-37; once the values are stored, they are retrieved to set the imaging device).

7. In regard to claim 7, note Munson discloses the combination of said at least one stored previous value and determining an optimal value representing said at least one stored previous value (column 2, lines 10-17; the previously stored values, default values, are updated by combining the them with stored user settings, manual values).

8. In regard to claim 9, note Munson discloses calculating said default values from at least one stored previous value for said settings (column 5, lines 13-17; the manual settings uses the stored manual settings as the default settings).

9. In regard to claim 10, note Munson discloses the storage of said default values in a memory in said imaging device (column 4, lines 26-37).

10. In regard to claim 11, note Munson discloses determining whether to store said at least one value for said settings in a memory in said imaging device for use in calculating said default values for said settings always returns an indication to store said at least one value for said settings (column 5, lines 13-17; the new values are always stored).

11. In regard to claim 12, note Munson discloses the use of an accumulation mode and determining whether to store said at least one value for settings comprises reading

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a state of said accumulation mode (column 1, lines 18-24; the auto mode discards settings and the manual mode saves changes).

12. In regard to claim 13, note Munson discloses that the new setting values are not stored if the accumulation mode is set to Discard (column 4, lines 5-11; the auto mode in the Munson reference is considered to be equivalent to the Discard mode, none of the changes are stored).

13. In regard to claim 14, note Munson discloses that the new setting values are stored if the accumulation mode is set to Add (column 4, lines 5-11; the manual mode in the Munson reference is considered to be equivalent to the Add mode, all of the changes are stored).

14. In regard to claim 19, this is an apparatus claim, corresponding to the method of claims 1. Therefore, claim 19 has been analyzed and rejected as previously discussed with respect claims 1.

15. In regard to claim 20, this is an apparatus claim, corresponding to the method of claims 1. Therefore, claim 20 has been analyzed and rejected as previously discussed with respect claims 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munson (US Patent # 5,648,814) in view of Mizokami et al (US Patent # 4,584,610).

17. In regard to claim 3, note Munson discloses the use of a method of configuring settings in an imaging device that configures said settings in said imaging device with default values, if at least one value for said settings is externally adjusted, configuring said settings in said imaging device with said at least one value, receiving an indication that said settings are acceptable, and determining whether to store said at least one value for said settings in said imaging device for use in calculating said default values for said settings. Therefore, it can be seen that Munson fails to disclose the use of the shutter release button as the indication that settings are acceptable. Mizokami discloses the use of the shutter release button to save the settings of the camera (column 2, lines 16-21). Mizokami teaches that the use of the shutter release button to save the settings is preferred in order to record the settings along with the image every time the user takes a picture. Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Munson device to use of the shutter release button to indicate when to save the settings of the camera in order to capture the settings along with the image every time the user takes a picture as suggested by Mizokami (column 2, lines 15-35).

18. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munson (US Patent # 5,648,814) in view of Safai (US Patent # 6,715,003).

19. In regard to claim 15, note Munson discloses the use of a method of configuring settings in an imaging device that configures said settings in said imaging device with

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default values, if at least one value for said settings is externally adjusted, configuring said settings in said imaging device with said at least one value, receiving an indication that said settings are acceptable, and determining whether to store said at least one value for said settings in said imaging device for use in calculating said default values for said settings. Therefore, it can be seen that Munson fails to disclose the use of an accumulation mode that determines whether to store said at least one value for settings based on user input. Safai discloses that the user is prompted whether to save or discard the settings (column 23, lines 29-35; and column 24, lines 40-55; the done command saves the settings and the cancel command discards settings). Safai teaches that the use of an accumulation mode is preferred in order to allow the user to select whether changes are to be saved or discarded. Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Munson device to include the use of accumulation mode and determining whether to store said at least one value for settings based on the accumulation mode in order to allow the user to select whether changes are to be saved or discarded as suggested by Safai (column 23, lines 30-35).

20. In regard to claim 15, note Safai discloses that the user is prompted whether to save or discard the settings (column 23, lines 29-35; and column 24, lines 40-55; the done command saves the settings and the cancel command discards settings).

21. In regard to claim 16, note Safai discloses reading the user input to determine whether to store or discard the new settings (column 23, lines 29-35; and column 24,

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lines 40-55; the done command saves the settings and the cancel command discards settings).

22. In regard to claim 17, note Safai discloses that the settings are stored if the user input indicates to store the settings (column 23, lines 29-35; and column 24, lines 40-55; the done command saves the settings).

23. In regard to claim 18, note Safai discloses that the settings are not stored if the user input indicates to discard the settings (column 23, lines 29-35; and column 24, lines 40-55; the cancel command discards the settings).

Allowable Subject Matter

24. Claim 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. As for claim 8, the prior art does not teach or fairly suggest the use of an imaging device that calculates the optimal value of settings by calculating a mean value of previously stored user settings to set as the new default values.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US005926219A: note the use of a controller that allows the user to adjust and store settings of the camera.

US004954897: note the use of a release signal that acknowledges that the user accepts the current settings.

US005159364A: note the storage of user settings and setting the default to the most used settings.

US005479206A: note the use of a camera that sets the camera to default settings when the camera is powered on and the user of user settings.

US006665015B1: note the use of a camera that allow the user to select the settings of the camera and stores the values.


US006005613A: note the use of a camera with multiple modes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-HELP.

CSY
April 9, 2004


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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